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**PRELIMINARY DRAFT**  
**No. 3300**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2012 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 11-13-2.7; IC 12-21-5-1.5.

**Synopsis:** Forensic addiction fund. Creates the forensic addiction fund.

**Effective:** July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 11-13-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

**Chapter 2.7. Forensic Addiction Fund**

**Sec. 1.** As used in this chapter, "fund" refers to the forensic addiction fund established by section 2 of this chapter.

**Sec. 2. (a)** The forensic addiction fund is established to provide grants under section 3 of this chapter. The fund shall be administered by the division of mental health and addiction established under IC 12-21.

**(b)** Sources of money for the fund consist of the following:

**(1)** Appropriations from the general assembly.

**(2)** Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

**(c)** The expenses of administering the fund shall be paid from money in the fund.

**(d)** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

**(e)** Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**(f)** Money in the fund is appropriated continuously for the purposes stated in section 3 of this chapter.

**Sec. 3. (a)** The division of mental health and addiction may award a grant from the fund to a probation department to increase substance abuse treatment access for persons on probation who are under court supervision and who have been diagnosed with a substance abuse disorder or co-occurring disorder.

**(b)** To receive a grant under this section, a probation department and the agency that will be providing treatment if the



grant is approved must submit an application to the division:

(1) on a form; and

(2) in the manner;

prescribed by the division.

(c) The division shall determine the amount of a grant awarded under this section in consultation with the Indiana judicial center and the local probation department.

(d) Mental health and substance abuse counseling provided by grants under this section must be contracted with a certified mental health or addiction provider as determined by the division of mental health and addiction.

**Sec. 4. The division shall adopt rules under IC 4-22-2 necessary to implement this chapter.**

SECTION 2. IC 12-21-5-1.5, AS AMENDED BY P.L.143-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. The division shall do the following:

(1) Adopt rules under IC 4-22-2 to establish and maintain criteria to determine patient eligibility and priority for publicly supported mental health and addiction services. The rules must include criteria for patient eligibility and priority based on the following:

(A) A patient's income.

(B) A patient's level of daily functioning.

(C) A patient's prognosis.

(2) Within the limits of appropriated funds, contract with a network of providers to provide services in an appropriate setting that is the least restrictive to individuals who qualify for the services.

(3) Require the providers of services funded directly by the division to be in good standing with an appropriate accrediting body as required by rules adopted under IC 4-22-2 by the division.

(4) Develop a provider profile that must be used to evaluate the performance of a provider. A provider's profile must include input from consumers, citizens, and representatives of the mental health ombudsman program (IC 12-27-9) regarding the provider's:

(A) information provided to the patient on patient rights before treatment;

(B) accessibility, acceptability, and continuity of services provided or requested; and

(C) total cost of care per individual, using state administered funds.

(5) Ensure compliance with all other performance criteria set forth in a provider contract. In addition to the requirements set forth in IC 12-21-2-7, a provider contract must include the following:

(A) A requirement that the standards and criteria used in the



- 1 evaluation of care plans be available and accessible to the  
2 patient.  
3 (B) A requirement that the provider involve the patient in the  
4 choice of and preparation of the treatment plan to the greatest  
5 extent feasible.  
6 (C) A provision encouraging the provider to intervene in a  
7 patient's situation as early as possible, balancing the patient's  
8 right to liberty with the need for treatment.  
9 (D) A requirement that the provider set up and implement an  
10 internal appeal process for the patient.  
11 (6) Establish a toll free telephone number that operates during  
12 normal business hours for individuals to make comments to the  
13 division in a confidential manner regarding services or service  
14 providers.  
15 (7) Develop a confidential system to evaluate complaints and  
16 patient appeals received by the division of mental health and  
17 addiction and to take appropriate action regarding the results of  
18 an investigation. A provider is entitled to request and to have a  
19 hearing before information derived from the investigation is  
20 incorporated into the provider's profile. Information contained  
21 within the provider profile is subject to inspection and copying  
22 under IC 5-14-3-3.  
23 **(8) Administer the forensic addiction fund under IC 11-13-2.7.**

